

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 3:75-CR-26-F  
No. 5:06-CV-24-F

UNITED STATES OF AMERICA,

)

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v.

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)

JEFFREY R. MacDONALD,  
Movant.

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)

ORDER

This matter came on before the court for a status conference on Wednesday, September 21, 2011, to assess the parties' positions whether an evidentiary hearing is appropriate on remand from the Fourth Circuit Court of Appeals in *United States v. MacDonald*, 641 F.3d 596 (4<sup>th</sup> Cir. 2011), and to establish a briefing and hearing schedule. At 4:30 p.m. on September 20, 2011, movant, Jeffrey R. MacDonald ("MacDonald"), through counsel, filed a Motion for Hearing [DE-175] and a Motion for New Trial Pursuant to the Innocence Protection Act ("IPA") [DE-176].

Present at the hearing on behalf of movant MacDonald were attorneys Hart Miles, F. Hill Allen, IV and Christine C. Mumma. Ms. Mumma, Executive Director of the North Carolina Center on Actual Innocence, filed her Notice of Appearance [DE-177] contemporaneously with her Motion for a New Trial [DE-176]. On behalf of the Government appeared United States Attorney for the Eastern District of North Carolina Thomas Walker, First Assistant United States Attorney John S. Bruce, and Special Assistant United States Attorney Brian M. Murtagh. This order memorializes the schedule set forth during the status conference.

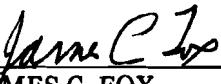
MacDonald will file and serve on the Government on or before **October 10, 2011**, a list of the trial exhibits on which it seeks to conduct additional DNA testing pursuant to the IPA. The Government may respond thereto within its Response to the Motion for a New Trial on or before **December 1, 2011**.

Pursuant to this court's Notice and Order [DE-179], the Government shall file its Response to MacDonald's Motion for a New Trial [DE-176] on or before **December 1, 2011**. MacDonald may reply, if he so desires, on or before **December 12, 2011**.

The Clerk of Court is DIRECTED to schedule and notice an evidentiary hearing solely on the Britt § 2255 claim ("the Britt Claim") during the week of **October 31, 2011**, at 10:00 a.m., in Wilmington, North Carolina.

SO ORDERED.

This, the 21<sup>st</sup> day of September 2011.

  
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JAMES C. FOX  
Senior United States District Judge